

AO 91 (Rev. 11/11) Criminal Complaint

**FILED****SEALED**

## UNITED STATES DISTRICT COURT

for the

Western District of Texas

JUL 18 2019

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY [Signature]  
DEPUTY CLERK

United States of America

v.

FRANCISCO GOVEA TRISTAN, III

Case No.

SA 19- MJ-828

Defendant(s)

**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of NOVEMBER 2018 thru FEBRUARY 2019 in the county of Bexar in the  
Western District of Texas, the defendant(s) violated:*Code Section**Offense Description*

18/2251(a)

18/2252A(a)(2)

Production of Child Pornography and Receipt of Child Pornography.

Penalties: 15-30 years imprisonment; lifetime supervised release;

\$250,000 fine; \$5,000 assessment JVT; up to \$50,000 special  
assessment; Restitution and Forfeiture.

5-20 years imprisonment; lifetime supervised release; \$250,000 fine;

\$5,000 assessment JVT; up to \$35,000 special assessment, Restitution  
and Forfeiture.

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.Jeff M. Allovio

Complainant's signature

Jeff M. Allovio, TFO, FBI

Printed name and title

☒ Sworn to before me and signed in my presence.  
☐ Sworn to telephonically and signed electronically.

Date:

7/17/2019

City and state: San Antonio, Texas

[Signature]

Judge's signature

Henry J. Bemporad, US Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF ARREST WARRANT

I, Jeffrey M. Allovio, being duly sworn, depose and say that:

1. I am a Deputy with the Bexar County Sheriff's Office ("BCSO") and am assigned to the Federal Bureau of Investigation ("FBI") San Antonio Child Exploitation Task Force ("SACETF") in the San Antonio Division of the FBI where I serve as a Federal Task Force Officer (TFO). I have been a Special Agent and Supervisory Special Agent of the FBI from the period of 1983 to 2017 and formerly supervised crimes against children investigations and child pornography investigations. In my capacity as a member of the SACETF, I am assigned to the Violent Crimes against Children Section and as such, I investigate crimes against children, including the trafficking, possession, and production of child pornography and the sexual exploitation of children. I have received particularized training in the investigation of computer-related crimes, peer-to-peer computer networking, and online (i.e. Internet based) crimes against children. I have been involved in numerous investigations of individuals suspected of producing, distributing and receiving child pornography and have participated in the execution of numerous search warrants which have resulted in the seizure of multiple items of child pornography. I have had the occasion to become directly involved in investigations relating to the sexual exploitation of children, and have gained experience in the conduct of such investigations through formal training and on-the-job training.
2. As a federal task force officer, I am authorized to investigate violations of United States laws and to execute warrants issued under the authority of the United States.
3. This affidavit is being submitted in support of a Criminal Complaint for **FRANCISCO GOVEA TRISTAN, III**.
4. The factual information supplied in this affidavit is based upon your Affiant's own investigation of this matter, as well as information provided by other law enforcement officers. Since this affidavit is submitted for the purpose of securing an arrest warrant, it does not include every fact known to the affiant concerning this investigation. The affiant has set forth facts that he believes establish probable cause to believe that **FRANCISCO GOVEA TRISTAN, III**, has

violated the provisions of Title 18, U.S.C., Section 2251 – Production of Child Pornography, and Title 18, U.S.C., Section 2252A – Receipt of Child Pornography.

5. The above captioned case was initially opened by the FBI based on information received from the BCSO that was originally derived from a Sheriff's Office located in the State of Iowa. On or about March 14, 2019, the guardians of a minor female child (hereafter referred to as "Child Victim" (CV) located in the State of Iowa reported to local law enforcement that they discovered that the mobile telephone of CV contained sexually explicit photos/videos that had been sent and received using this device. The content was discovered on CV's Facebook Messenger Account. The guardians also reported that the chats and receipt/distribution of sexual content between CV and an individual named "Frankie Tristan" were exceptionally disturbing.

6. Local law enforcement subsequently reviewed the Facebook account of CV and the conversations with the Facebook user named Frankie Tristan. Their review reflects the following: The conversations begin on or about November 11, 2018. CV tells Tristan that she is 13 years of age. The conversation turns sexual almost immediately. CV sends Tristan sexually graphic images of her breasts and vagina, and Tristan in turn sends an image of an erect penis. Tristan requests that CV send more nude images, and their communications include chats, the receipt and distribution of graphic images and videos, telephone conversations, and video chats. On or about December 25, 2018, Tristan tells CV he had multiple sexual interactions with children between the ages eight and eleven years old. On or about December 30, 2018, Tristan sends CV nude images of a young female he claims is ten years of age. He says that this child lives next door to his residence, and he subsequently indicates that he had a sexual interaction with this neighbor child.

7. On or about April 5, 2019, CV was interviewed by local law enforcement and confirmed that she had numerous chats and communications with the Facebook user named Frankie Tristan and sent and received multiple images and videos containing sexually graphic content of herself and others. She believed Tristan was 21 years of age because he told her this. Further, on February 8, 2019, Tristan sent an image of himself to CV, and this image, was the same person she spoke with over video chats. The FBI conducted biographical records checks for Frankie Tristan, and identified Francisco Govea Tristan, date of birth: September X. XXXX, who resides

in San Antonio, Texas. His Texas Driver's license photograph is identical to the person in the February 8, 2019 photograph that was sent from the Franke Tristan Facebook account to CV's Facebook account


8. On or about July 8, 2019, the FBI reviewed the Facebook account records for CV, specifically the communications between CV and the Facebook account of "Frankie Tristan" and observed that on November 11, 2018, CV tells Frankie Tristan that she is 13 years old, to which Frankie Tristan replies "*Iv had littles before*". On that same date, CV sent sexually graphic images including one image in which her vagina is lasciviously displayed. Frankie Tristan sent CV an image of an erect penis. On December 26, 2018, Frankie Tristan requested an image of CV's full body. On December 30, 2018, Frankie Tristan states that he gave a 10-year old female his phone to take nude images of herself, and then sent an image of a nude prepubescent minor to CV. On January 18, 2019, Frankie Tristan receives a nude image from CV that depicts a child displaying her genitalia. In addition, the Facebook records reflected that CV and Frankie Tristan made multiple telephone calls to each other, and there are Facebook chat messages that indicated that they were texting on a telephone.

9. On July 16, 2019, the FBI executed a search warrant at the residence of Francisco Govea Tristan, III in San Antonio, Texas. Tristan was interviewed at that time and advised that he had asked CV to produce and send him pornographic images and videos of herself. She did as instructed, and the videos include a video where CV performs a sexual act. Tristan was aware that she was 13 years of age. Tristan reviewed some of the sexually graphic Facebook chat messages with CV and confirmed he was the Facebook user known as "Frankie Tristan" who communicated with CV. In addition, Tristan identified approximately 30 other female child victims with whom he was in communication with through Facebook and had produce and/or send images/videos of child pornography of these victims to him. Tristan said that he chose child victims, as opposed to adults, because he could "dominate them" and they were "easy prey." Tristan further explains that he obtains images and videos of child pornography through other online applications and had child pornography on his current mobile telephone. During the execution of the search warrant and the initial forensic examination, child pornography was observed by the FBI on Tristan's mobile telephone.

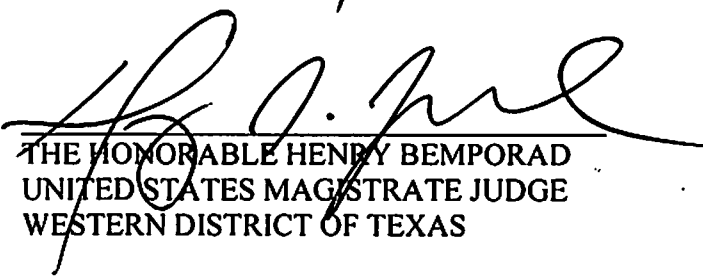
**Application**

19. Based on the aforementioned facts, your Affiant respectfully submits that there is probable cause to believe that: (1) during the time frame of November 2018 to February 2019, **FRANCISCO GOVEA TRISTAN, III** did knowingly employ, use, persuade, induce, entice, or coerce a minor to engage in, or attempt to do so, or had the minor assist any other person to engage in, sexually explicit conduct for the purpose of producing any visual depiction of such conduct, in violation Title 18, United States Code, Section 2251; and (2) during the time frame of November 2018 to February 2019, **FRANCISCO GOVEA TRISTAN, III**, did knowingly receive child pornography that has been mailed, or shipped or transported in interstate or foreign commerce by any means, including by computer. Your affiant respectfully requests that the Court issue an arrest warrant based on the information provided in this affidavit.

FURTHER AFFIANT SAYETH NOT,

  
Task Force Officer Jeffrey M. Allovio,  
Federal Bureau of Investigation  
FBI San Antonio Crimes Against Children Task Force

Sworn to and subscribed before me this 17<sup>th</sup> day of July 2019.

  
THE HONORABLE HENRY BEMPORAD  
UNITED STATES MAGISTRATE JUDGE  
WESTERN DISTRICT OF TEXAS